HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8500 OF 2005.

Smt. Deepa Giridhar Satpute. ..Petitioner.
Versus.
Smt. Gangubai Giridhar Satpute & ors. ..Respondents.

Shri. R. D. Soni with Shri. S. N. Gawade i/b M/s.
Ram & Company, for the Petitioners.

CORAM: S.B.MHASE,J.

DATE : MARCH 8, 2006.

P.C.

1. Learned counsel appearing on behalf of the petitioner, Shri. R.D.Soni, pointed out that Special Civil Suit No. 185 of 1999 pending on the file of the Civil Judge, Senior Judge, Kalyan, is filed by the petitioner herein. According to Shri. R.D.Soni, father of the petitioner, namely, Giridhar Satpute expired in the year 1987. It is further pointed out that Shewanta @ Yashodabai R. Satpute has also filed a suit bearing Regular Civil Suit No. 177 of 2001 in the same court.

2. Both suits are for partition. However in a suit filed by Narayan Raghunath Satpute the properties are claimed to be joint family properties of Tukaram who was the father of Giridhar. Raghunath Satpute and

Narayan Satpute claim the property through Raghunath. Thus, ultimately it is revealed that in the suit filed by Shevantabai, the petitioner herein is defendant, which is a full-pledged suit. As against this, in the suit filed by the petitioner, one of the branch, namely, Giridhar is made defendant. Thus, it appears that the order dated 17.8.2005 is passed in order to avoid the multiplicity of the decrees. In my opinion it is just and proper order.

3. Learned counsel appearing on behalf of the petitioner, Shri. R.D.Soni concedes that this is a fair proposition. I find that ends of justice would be met if both the suits are tagged together and they are tried and decided by the common judgment and evidence. Shri. R.D.Soni submits that this will suffice the purpose of this petition.

4. Therefore, this petition is disposed of with directions to the trial court to dispose of the aforesaid two suits, namely, Special Civil Suit No. 185 of 1999 and Regular Civil Suit No. 177 of 2001 by common evidence and common judgment. Shri. R.D.Soni thereafter made a request that fixed time schedule be issued for the early disposal of the suits. I find that this is a genuine prayer, since the dispute in

respect of the properties should be disposed of as expeditiously as possible, especially when the female heirs are claiming the properties. Therefore, trial court is directed to dispose of the aforesaid two suits as early as possible, preferably within a period of one year from today.

(S.B.MHASE, J.)